

## **Remarks**

### **1. Summary of Office Action**

In the Office Action mailed October 1, 2004, the Examiner objected to claims 8-12 on grounds of informalities, rejected claims 1-8 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,408,177 (Parikh), and further, rejected claims 9-18 under 35 U.S.C. § 103(a) as being obvious over a combination of Parikh and U.S. Patent No. 6,154,646 (Tran).

### **2. Status of Claims**

Applicants have cancelled claims 9 and 14. Applicants have also amended claims 1, 3-8, 10-13, and 15-18 to recite the invention more particularly and/or to correct minor errors, as fully supported by Applicants' specification.

Presently pending in this application are claims 1-8, 10-13, and 15-18, of which claims 1, 7, and 13 are independent and the remainder of claims are dependent.

### **3. Response to Claim Objections**

The Examiner objected to claims 8-12 on grounds of informalities. In particular, the Examiner noted that claim 8 shows dependency of itself. The Examiner also required change in dependency of each of claims 9-12 to reflect the change in claim 8. Applicants have cancelled claim 9. Thus, Applicants submit that the Examiner's objection with respect to claim 9 is now moot.

Applicants have also corrected typographical errors in claims 8-12 that gave rise to the claim objections. Namely, claims 8 and 10-12, as amended above, now properly depend from claim 7. Applicants respectfully submit that these corrections overcome the Examiner's objections to claims 8 and 10-12.

#### **4. Response to § 102 Rejections**

As noted above, the Examiner rejected claims 1-8 under 35 U.S.C. § 102(e) as being anticipated by Parikh.

Under M.P.E.P. § 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Applicants respectfully traverse the rejections of claims 1-8 because Parikh does not disclose or suggest each and every element as recited in any of these claims.

Applicants' claimed invention is directed to a process of real-time service provisioning. As a general matter, when a carrier network receives an incoming call to a customer service equipment, one or more call handling choices are provided for selection at the customer premises equipment. In response to receipt of a call handling choice selected at the customer service equipment, the incoming call is processed according to the selected choice.

More specifically, as presently recited in various ways in each of independent claims 1 and 7 amended above, Applicants' claimed invention involves the functions of (i) receiving an incoming call to a customer premises equipment at a switch (in a carrier network), and responsively sending a query for call handling instructions from the switch to a service control node (in the carrier network), (ii) providing one or more choices corresponding to handling of the incoming call for selection at the customer premises equipment in response to receipt of the query for call handling instructions at the service control node, and (iii) receiving at the service control node an indication of a choice selected at the customer premises equipment, and providing a response to the query from

the service control node to the switch, wherein the response to the query includes call handling instructions corresponding to the selected choice.

Applicants respectfully submit that Parikh does not teach at least these claimed functions as recited, in one way or another, in each of independent claims 1 and 7. Further, each of claims 2-6 and 8 depends from either claim 1 or 7 and therefore necessarily incorporates all of the limitations of respective claim 1 or 7.

To the extent relevant, Parikh teaches a call management system that provides a subscriber with options for handling incoming calls using a data channel. As taught by Parikh, when an incoming call is received at the call management system, a message (e.g., an SMS message) with options for handling the incoming call is sent (e.g., via an SMSC) for display to the subscriber. The subscriber selects a desired menu option and, in response, the call management system processes the call according to the selected menu option. (*See* Parikh, e.g., at col. 3, lines 48-65.)

At best, Parikh discloses that the call management system includes a call management application that manages other applications, such as an SMS application and a call setup application. For example, based on information from the SMS application that receives subscriber menu selections from the SMSC, the call management application instructs the call setup application to process the incoming call according to the selected menu option. (*See* Parikh, at col. 5, lines 11-52.)

Applicants, however, do not find in Parikh any disclosure of the combination of functions recited in any of claims 1-8.

In particular, Applicants do not find in Parikh any disclosure of the claimed process that involves at least the functions of: (i) receiving an incoming call to a customer

premises equipment (e.g., a mobile station) *at a switch* (e.g., a mobile switching center), and responsively *sending a query for call handling instructions from the switch to a service control node* (e.g., a service control point (SCP)), (ii) providing one or more choices corresponding to handling of the incoming call for selection at the customer premises equipment *in response to receipt of the query for call handling instructions at the service control node*, and (iii) receiving at the service control node an indication of a choice selected at the customer premises equipment, and *providing a response to the query from the service control node to the switch, wherein the response to the query includes call handling instructions corresponding to the selected choice.*

Advantageously, with Applicants' claimed invention, a service provisioning can be carried out in real-time through a service control point that functions to respond to a query from a switch (e.g., an IS-771 query) by providing the switch with call processing instructions *corresponding to a call handling choice selected by a subscriber*, where one or more call handling choices are provided to the subscriber *in response to receipt of the query at the service control point*. Applicants submit that Parikh does not teach or suggest this claimed invention.

Applicants respectfully note that in order to anticipate a claim, the identical invention must be shown in as complete detail as is contained in the claim. M.P.E.P. § 2131. Because Parikh does not teach the invention as recited in any of claims 1-8, Parikh fails to anticipate claims 1-8.

## **5. Response to § 103 Rejections**

As further noted above, the Examiner rejected claims 9-18 under 35 U.S.C. § 103(a) as being obvious over a combination of Parikh and Tran.

Applicants have cancelled claims 9 and 14 without prejudice, and thus respectfully traverse the Examiner's rejections with respect to claims 9 and 14 as moot. Applicants also traverse the rejections of remaining claims 10-13 and 15-18, because the combination of Parikh and Tran fails to disclose or suggest every element of any of these claims as would be required to establish a *prima facie* case of obviousness under M.P.E.P. §2143.

Independent claim 13 (and claims 15-18 by virtue of their dependence on claim 13), as amended above, is directed to a system for providing service provisioning in real time, including: (i) a mobile switching center for receiving an incoming call from a first mobile station to a second mobile station, and for sending a query for call processing instructions in response to the received call, (ii) a service control node for receiving the query for call processing instructions from the mobile switching center and for pushing information corresponding to the received call into the Internet domain in response to receipt of the query, (iii) a web-server for receiving the information in the Internet domain from the service control node and (a) for providing one or more choices corresponding to processing of the incoming call for selection at the second mobile station, (b) for receiving from the second mobile station an indication of a choice selected from the one or more choices, and (c) for providing the indication of the selected choice to the service control node, and (iv) wherein the service control node responds to the query by providing the mobile switching center with processing instructions corresponding to the selected choice, and wherein the mobile switching center processes the received call according to the processing instructions.

For at least the same reasons discussed above with respect to independent claims 1 and 7, Applicants respectfully submit that Parikh fails to teach or suggest the invention of claims 13 and 15-18. Further, Applicants respectfully submit that Tran fails to overcome the deficiencies of Parikh described above.

Namely, Tran fails to teach or suggest a system carrying out at least the functions of: (i) receiving an incoming call to a mobile station at *a mobile switching center*, and responsively *sending a query for call handling instructions from the mobile switching center to a service control node*, (ii) providing one or more choices corresponding to handling of the incoming call for selection at the customer premises equipment *in response to receipt of the query for call handling instructions at the service control node*, and (iii) receiving at the service control node an indication of a choice selected at the customer premises equipment, and *providing a response to the query from the service control node to the mobile switching center, wherein the response to the query includes call handling instructions corresponding to the selected choice*.

To the extent relevant, Tran teaches a system for selecting call-treatment options in real-time. Specifically, in the system according to Tran, a mobile switching center (MSC) receives an incoming call *and responsively sends an alert message to a mobile station (MS)* in response to the call. As disclosed by Tran, the MS *is modified* in such way that the receipt of the alert message at the MS invokes a browser application, presenting to a user a list of call-treatment options.

When the user selects a given call-treatment option, the MS responsively sends an R-DATA message to the MSC. The message is formatted so as to cause the MSC to redirect it to a service node (e.g., an SCP). The service node, in turn, runs an HDML

server that translates the HDML code in the R-DATA message to service scripts. After the translation, the service node executes the service scripts corresponding to the selected call-treatment option.

Applicants respectfully submit, however, that Tran fails to disclose the invention that is recited in any of claims 10-13 and 15-18. In fact, a person skilled in the art reading disclosure in Tran would logically understand that signaling between network entities involved in providing real-time service provisioning as described in Tran (and summarized above) is entirely different from that presently claimed by Applicants.

Further, as noted above, each of claims 10-12 depends from independent claim 7 and therefore incorporates all of the elements of claim 7. As discussed above, Parikh fails teach or suggest the invention as recited in claim 7. Therefore, Parikh also fails to teach or suggest the invention as recited in any of claims 10-12. And, as described above, Tran fails to overcome the deficiencies of Parikh.

Because the cited combination fails to disclose or suggest every element of any of claims 10-13 and 15-18, the combination fails to render claims 10-13 and 15-18 obvious under 35 U.S.C. § 103(a).


**6. Conclusion**

For the foregoing reasons, Applicants submit that claims 1-8, 10-13, and 15-18 are in condition for allowance. Therefore, Applicants respectfully request favorable reconsideration and allowance of those claims.

Respectfully submitted,

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